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DAVIS WRIGHT TREMAINE LLP

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE UNIVERSITY OF WASHINGTON, a  
Washington state agency; THE CENTER FOR  
HUMAN RIGHTS AT THE UNIVERSITY OF  
WASHINGTON, a research center created by  
state law; and ANGELINA GODOY, director of  
the Center,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant.

Case No.

**COMPLAINT FOR DECLARATORY  
RELIEF FOR VIOLATING FOIA**

Plaintiffs, the University of Washington, the Center for Human Rights at the University of Washington, and Angelina Godoy (collectively “the UWCHR”), allege as follows:

### INTRODUCTION

1. The UWCHR brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, as amended to enjoin the Central Intelligence Agency (“CIA”) from continuing to improperly withhold agency records regarding human rights abuses by the El Salvadoran Army and National Police. After initially making 13 separate FOIA requests to the CIA (including no. 00203C Salvadoran military operation entitled “Escalante Acevedo”; no. 00205C Salvadoran military operation entitled “Guazapa”; no. 00209C Salvadoran military operation entitled “Maquilishuat”; no. 00208C Salvadoran military operation entitled “Salitre”; no. 00207C Salvadoran military operation entitled “Operation Relampago”; no. 00206C Salvadoran military operation entitled “Morazan Operation”; no. 00217C Salvadoran military operation entitled “Menjivar”; no. 00216C Salvadoran military operation entitled “Charco”; no. 00213C Salvadoran military operation entitled “Duenas III”; no. 00215C Salvadoran military operation entitled “Gonzalo Portillo”; no. 00214C Salvadoran military operation entitled “Chavez Melendez”; no. 00220C “Operations of the Salvadoran Armed Forces in Morazan Department, El Salvador”; and no. 00218C “Salvadoran military operation ‘Rescate’ and the August 1982 operation in San Vicente”), following discussions between counsel for the CIA and the UWCHR, an agreement was reached on May 3, 2018 to consolidate the 13 requests into one case (F-2017-01476) for a search for records on the following: “(1) All reporting on human rights abuses by the El Salvadoran Army during 1981-1984; and (2) All reporting on human rights abuses by the El Salvadoran National Police during 1979-1986.” By this agreement, the CIA agreed to “[s]pecifically search for all CIA-originated documents produced between 1 January 1979 and 31 December 1992, per the date ranges specified in the above-referenced requests, concerning operations conducted by the armed forces of El Salvador or the El Salvadoran National Police, in which human rights abuses (including kidnappings, torture or civilian deaths) were committed by these forces as set forth in Items 1 and 2 above.” Attached as Exhibit A is a true and correct copy of a June 13, 2017 letter from Allison Fong, Information and

1 Privacy Coordinator for the CIA to Ms. Godoy confirming the agreement. Since the agreement,  
2 the CIA has produced no records.

3 2. The United States provided approximately \$5 billion in aid to El Salvador during  
4 its Civil War and advised the Salvadoran military on counterinsurgency tactics. The public has  
5 the right to investigate and obtain information regarding whether that aid was directed toward  
6 any of these condemnable acts. Dr. Rowan Williams, the former Archbishop of Canterbury, who  
7 currently chairs a working group of the UK Equality and Human Rights Commission, has  
8 observed that the U.S. Government has a “particularly strong moral obligation to make available  
9 any records which will assist in bringing to justice those who it previously aided or protected.”  
10 *See Exhibit B.*

11 3. The UWCHR, through this lawsuit, seeks the public disclosure of documents  
12 about these military operations in El Salvador. This information is essential to UWCHR’s  
13 ongoing efforts to make information publicly available about El Salvador’s civil war including  
14 information that can be provided to the Courts of El Salvador. This includes, at minimum, those  
15 portions of the requested documents that are already publicly available and all documents that  
16 have been declassified or are not currently properly classified—given that the events of greatest  
17 interest occurred several decades earlier. The UWCHR does not seek disclosure of information  
18 revealing current intelligence methods or any other sensitive and properly classified matters.  
19 Such information, if it exists, may be segregated from the documents that UWCHR believes are  
20 being unlawfully withheld by the CIA.

## 21 JURISDICTION

22 4. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B)  
23 and 28 U.S.C. § 1331.

## 24 VENUE

25 5. Venue in the Western District of Washington is proper under 5 U.S.C. §  
26 552(a)(4)(B). Independently, venue is proper in the Western District of Washington because all  
27 Plaintiffs reside in Seattle, Washington.  
28

**PARTIES**

6. Plaintiff, the University of Washington, is a Washington state agency and the state's largest public research university. Its primary business offices are in Seattle, Washington.

7. Plaintiff, the Center for Human Rights at University of Washington, is an organization within the University of Washington. The Washington Legislature created the Center for Human Rights in 2009 to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and to be an academic center for human rights teaching and research. The Center for Human Rights focuses on, among other things, the rights of all persons to security against violence. Its offices are in Seattle, Washington.

8. Plaintiff, Angelina Godoy, is the Director of the Center for Human Rights. Ms. Godoy resides in Seattle, Washington.

9. Defendant Central Intelligence Agency is a federal agency within the meaning of 5 U.S.C. § 552(4) and 5 U.S.C. § 552a(a)(1).

**FACTS****UWCHR'S FOIA REQUESTS TO THE CIA**

10. On May 3, 2017, counsel for the CIA and the UWCHR agreed to consolidate 13 previous FOIA requests into a single FOIA request: F-2017-01476. *See* Exhibit A.

11. On July 10, 2018, more than a year later, counsel for the UWCHR wrote to counsel for the CIA and requested an update regarding this outstanding FOIA request. On July 13, 2018, counsel for the CIA responded: "The larger request that was opened as a result of the conversation last year for all reporting of human rights abuses by the El Salvadoran Army and National Police over a period of time is being processed and has been deemed a 'priority tasking.'"

12. On August 17, 2018, counsel for the UWCHR again wrote to counsel for the CIA for an update. On August 22, 2018, counsel for the CIA responded that it was her understanding that "it will be at least 2 to 3 months before it is complete."

13. On November 1, 2018, counsel for the UWCHR again wrote to counsel for the CIA for an update. The same day, counsel for the CIA wrote that “[m]y contact at the CIA has been transferred and I don’t have someone else who has been involved in this case.” Counsel suggested that UWCHR contact the FOIA administrative information line.

14. On November 5, 2018, Ms. Godoy telephoned the CIA about this pending FOIA request. On November 8, 2018, Ms. Godoy received a letter in response to her inquiry that informed her that the UWCHR’s request is “in process”. The CIA estimated a completion date of September 9, 2019 (a date that is subject to change) and noted that the CIA will not respond to any further inquiries about the case until after September 9, 2019. Attached as Exhibit C is a true and correct copy of this letter.

15. The CIA is wrongfully withholding records sought by the UWCHR. There is a substantial public interest in the disclosure of the documents requested. The CIA’s refusal to release these documents that are believed to be within its custody and control constitutes an abuse of the CIA’s discretion and a violation of FOIA.

### **FIRST CAUSE OF ACTION**

#### **Violation of FOIA by the CIA for Failure to Make Promptly Available the Records Sought by the UWCHR’s requests.**

16. The UWCHR repeats and realleges the allegations contained in paragraphs 1 through 15 above, inclusive.

17. The UWCHR has a legal right under FOIA to obtain the agency records it requested (though the assistance of counsel for the CIA) on May 3, 2017, and there exists no legal basis for the CIA’s failure to make these records available to the public.

18. The CIA’s failure to make promptly available the record sought by the UWCHR’s requests violates FOIA, 5 U.S.C. § 552(a)(3)(A) and (a)(6)(A)(ii), and applicable regulations promulgated thereunder.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request the Court award them the following relief:

- A. Declare that the CIA has violated FOIA in its responses to the UWCHR's FOIA requests;
- B. Order the CIA to immediately disclose the requested records to Plaintiffs and enter an injunction prohibiting the CIA from continuing to withhold the requested records from the public;
- C. Award Plaintiffs their reasonable costs and attorneys' fees;
- D. Grant such further relief as the Court may deem just and proper.

DATED: January 14, 2019

Respectfully submitted,

Davis Wright Tremaine LLP  
Special Assistant Attorneys General

By /s/ Jordan Clark

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Washington, the University of Washington  
and Angeline Godoy

*\*pro hac vice application forthcoming*